

EXPRESS MAIL LABEL NO.: EL473792173US

PATENT
Attorney Docket 17616-845

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Christopher Casscells et al.)	Group Art Unit: Not Yet Assigned
)	
Serial No.: Not Yet Assigned)	Examiner: Not Yet Assigned
(Continuation of USSN: 09/066,615))	
)	
Filed: Herewith)	
)	
Title: ELECTROCAUTERIZING TOOL FOR)	
<u>ORTHOPEDIC SHAVE DEVICES</u>)	

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, DC 20231

Sir:

Prior to Examination on the merits, Applicants request entry of this Preliminary Amendment.

Please amend the above-identified application as follows:

IN THE SPECIFICATION

Please amend the specification as follows:

At page 1, under the heading "Relationship to Copending Application", please delete the entire paragraph beginning at line 1 and ending at line 9, and insert the following:

--This application is a Continuation of U.S. Application No. 09/066,615, filed April 24, 1998, which claims priority to U.S. Provisional Application No. 60/059,383, filed September 19, 1997.

This application is related to U.S. Application No. 09/034,830, filed March 4, 1998, and U.S.

Application No. 09/034,885, filed March 4, 1998. Each of the above applications is incorporated herein by reference in its entirety. --

At page 4, line 23, after the phrase "housing 108." Insert as a new sentence:

--The push switch 116 may compose a first electrical member.--

At page 4, line 24, after the phrase "commutator 134." Insert as a new sentence:

--The commutator 134 may compose a second electrical member.--

At page 4, between lines 25 and 26, insert as a new paragraph:

--The electrical contact 188 can include a brush. The commutator 134 can include a disk.--

At page 16, between lines 11 and 12, insert as a new paragraph:

--It can be appreciated that the structures depicted in Figs. 6A-6D include convex and concave tip surfaces. The coating edges can be defined by the meeting of these convex and concave tip surfaces.--

IN THE CLAIMS

Please cancel claims 2, 5, 6, 19, 21-23 and 36 without prejudice or disclaimer.

Please amend the claims as follows:

1. (Amended) A surgical apparatus, comprising:

a surgical instrument including a housing and a cannula, [and] the cannula attached at a proximal end to the housing and defining at a distal end thereof an opening and the housing containing a drive interface; and

a surgical tool including a shaft and a tip, [and] the tip located in the opening and including at least one conducting portion, [and] the shaft contained within the cannula and the

shaft mechanically and electrically coupled at a distal end to the tip, and at a proximal end, to the drive interface and an electrical interface, and the drive interface producing a surgical motion of the tip, and the electrical interface producing a cauterizing action at the at least one conducting portion of the tip.

3. (Amended) The surgical apparatus of claim [2] 1, wherein the first electrical member [further comprises] includes a switch, located on the housing.

4. (Amended) The surgical apparatus of claim [2] 1, wherein the surgical instrument further comprises:

an interconnector including the first electrical member[,] and the interconnector located between the housing and the cannula for coupling the housing and the cannula.

7. (Amended) The surgical apparatus of claim 1, wherein the tip includes at least [one conducting portion and at least] one non-conducting portion, and wherein the shaft is electrically coupled to the at least one conducting portion.

14. (Amended) The surgical apparatus of [Claim] claim 10, wherein the second exposed surface extends in a diametric arc about a longitudinal axis of the tip.

15. (Amended) The surgical apparatus of [Claim] claim 10, wherein the second exposed surface extends in an arc along a longitudinal axis of the tip.

16. (Amended) The surgical apparatus of [Claim] claim 10, wherein the second exposed surface defines at least one point source.

20. (Amended) A cutting and cauterizing device for connection to a surgical instrument, [and] the surgical instrument including a drive interface and a first interconnector, [and] the cutting and cauterizing device comprising:

a cannula defining at a distal end thereof an opening;

a second interconnector, suitable for switchably coupling to a power supply, the second interconnector located at the proximal end of the cannula and shaped to couple to the first interconnector; and

a surgical tool including a shaft and a tip, [and] the tip located in the opening and including at least one conducting portion, [and] the shaft contained within the cannula, the shaft coupled at a distal end to the tip and at a proximal end mechanically coupled to the drive interface to permit a surgical motion of the tip, and the shaft electrically coupled to the second interconnector to permit a cauterizing action at the at least one conducting portion of the tip.

24. (Amended) The cutting and cauterizing device of claim 20, wherein the tip includes [at least one conducting portion and] at least one non-conducting portion, and wherein the shaft is electrically coupled to the at least one conducting portion.

REMARKS

This Preliminary Amendment is filed prior to examination of this application on the merits. Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Applicants earnestly believe that the application is in

condition for allowance and respectfully solicit the Examiner to allow this case to proceed to issuance. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned attorney.

The Commissioner is authorized to charge any fees due in connection with this paper, including Petition fees and extension of time fees, and to credit any over payment to Deposit Account No. 23-2415 (Docket No. 17616-845).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: Dec 5, 2000

By David J. Weitz
David J. Weitz
Registration No. 38,362

650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone (650) 493-9300
Facsimile (650) 493-6811